IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7341 of 2006()

CRMP.5585/2006 of SESSIONS COURT, THODUPUZHA
C.R.NO.18/06 OF THODUPUZHA EXCISE RANGE.

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PETITIONER/ACCUSED:

PUSHPADAS, AGED 44 YEARS,
S/O. PONNAPPAN PILLAI (MISTAKENLY NAMED AS
CHELLAPPAN PILLAI IN THE LOWER COURT ORDER),
RESIDING AT PANTHALANGAYIL HOUSE, VENGALOOR KARA,
PURAPUZHA VILLAGE, THODUPUZHA TALUK, IDUKKI DIST.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.SAVIO JOY

RESPONDENT: STATE/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A.NO. 7341 OF 2006

DATED THIS THE 15TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the accused in C.R.No.18/06 of Thodupuzha Excise Range for offences punishable under sections 55(a) and 55(i) of the Abkari Act for allegedly having been found in possession of 6 liters of IMFL with a glass tumbler and some water presumably intended for sale on 1.11.2006, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. I am not satisfied that both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the grant anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR,JUDGE.

dsn/-